

REMARKS

Claims 2-3, and 6-10 are pending in the application. Claims 1 and 4 have been canceled and claims 2-3 and 5 have been amended to more clearly and distinctly claim the invention. New claims 6-10 have been added. The specifications and drawings were amended to correct inadvertent errors. Support for the new claims 6-10 can be found in the cancelled claims, in the specification and in Figs. 1-3. No new matter is entered into the case by the amendment.

In the Office Action, claims 1 and 4 were objected to and claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,624,747 to McKnight et al. Cancellation of claims 1 and 4 renders the objection to these claims moot. Reconsideration and withdrawal of the rejection are requested in view of the foregoing amendments and following remarks.

According to the claimed invention, there are at least two distinct features of the device, both of which are not found in the cited reference. For example, the device has elongate recesses on the first and second sides of the body between the tip portion and the handle portion and either one or both of the following features: (1) raised orientation indicating surfaces located on the first and second sides of the handle portion closely adjacent the first edge, and/or (2) a pair of enlarged lobes spaced apart from one another by a connecting segment. The cited reference contains elongate recesses in the body thereof but does not also contain (1) and/or (2) listed above. Accordingly, the rejection over the '747 patent should be reconsidered and withdrawn.

Also enclosed with this response is the signed Declaration for the application. Please note that applicants have not received a missing parts request. Accordingly, should any fee be due for filing the signed Declaration, such fee should be charged to the deposit account 12-2355.

CONCLUSION

Having now fully and completely responded to the Office Action, applicants assert that the claims are all fully in condition for allowance. Reconsideration and allowance are respectfully requested.

If the examiner identifies further issues that may be resolved by telephone, the examiner is invited to contact the undersigned at (865)546-4305.

In the event this response is not timely filed, Applicant hereby petitions for the appropriate extension of time and request that the fee for the extension along with any other fees which may be due with respect to this paper be charged to our **Deposit Account No. 12-2355**.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

By:


David E. LaRose

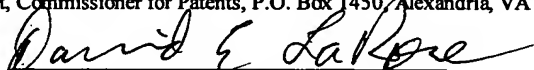
Registration No. 34,369

March 18, 2004
P.O. Box 1871
Knoxville, Tennessee 37901
(865) 546-4305
F:\58550\58550.US.AmdA.March182004.doc

*** * * CERTIFICATE OF MAILING * * ***

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on March 18, 2004


David E. LaRose, Reg. No. 34,369